

FARMINGTON CITY COUNCIL MEETING

Tuesday, October 20, 2009

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula Alder, Sid Young, Cory Ritz, City Manager Max Forbush, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey.

Mayor Harbertson began discussion at 6:00 p.m. **Cory Ritz** offered the invocation.

Bob Hasenyager thanked the City Council for the opportunity to make a presentation. He said his career had been with the Utah Division of Wildlife Resources, and since his retirement he has spent time with an independent corporation, Utah Wildlife in Need. This corporation has two purposes: (1) to ensure the future of native Utah wildlife by supporting critically needed research, conservation and education projects, and (2) to promote appreciation for, and conservation of, the Great Salt Lake ecosystem. He distributed an aerial map and pointed out the areas they would like to improve. A current project is to build more boardwalks at Farmington Bay. Sponsors have committed to assist with this project, including Davis County who completed the road base, and Farmington City who will haul crusher fines and complete the final stage. He said the Farmington Trails Committee will also assist. They have scheduled a work session to assist with building the boardwalks on Saturday, October 31 from 10:00 a.m. - 2:00 p.m. Volunteers are invited and encouraged to attend and should bring power drills (electricity will be available), hammers, gloves, and eye and ear protection.

The following agenda items were reviewed:

Approval of Minutes of Previous Meeting (Agenda Item #2)

The minutes of the regular City Council meeting held October 6, 2009 were reviewed and several amendments were made.

PUBLIC HEARING: CONSIDERATION OF AMENDMENT TO CITY SUBDIVISION ORDINANCE (TITLE 12, CHAPTER 6) PERTAINING TO THE REQUIRED TIMING FOR POSTING SECURITY BONDS FOR PUBLIC IMPROVEMENTS. (Agenda Item #5)

The **Mayor** said most developers have been posting these bonds, but the developers of Old Farm did not. It is a fairly common practice for developers to post bonds, but by having this be a requirement, the City hopes to avoid some of the problems which occur when developments have not posted bonds are not able to complete public improvements in a timely manner.

PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE TO REZONE A PORTION OF THE FARMINGTON JR. HIGH SITE LOCATED AT APPROXIMATELY 150 SOUTH 200 WEST FROM LR (LARGE RESIDENTIAL) TO BP (BUSINESS PARK) TO ACCOMMODATE

THE RELOCATION OF A BILLBOARD ON SCHOOL DISTRICT PROPERTY ADJACENT TO I-15. (Agenda Item #6)

The **Mayor** informed the Council that the legal description of this site was not finalized and asked for a motion to table this item in the regular session.

CONSIDERATION OF FINAL PLAT APPROVAL FOR “THE GROVE” SUBDIVISION FORMERLY KNOWN AS PALMER ESTATES CONSISTING OF 23 LOTS LOCATED AT APPROXIMATELY 525 NORTH MAIN STREET - DAI. (Agenda Item #7)

Mayor Harbertson said he` and Fire Chief **Larry Gregory** inspected the road concerns in The Grove Subdivision. Their biggest concern is the width of 22 feet on the west side of the Subdivision, and **Mr. Gregory** requested that the CC&Rs include wording that there will be no parking in that area, and there will be a penalty if the request is violated. He also suggested both red curbing and signs along that stretch of the road.

CONSIDERATION OF A PROPOSED PLAT AMENDMENT OR MODIFICATION TO THE FINAL PLAT TO THE VILLAGE AT OLD FARM RESIDENTIAL PHASE 2 PLAT CONSISTING OF 69 LOTS LOCATED AT APPROXIMATELY 1600 NORTH MAIN STREET. THE AMENDMENT ADJUSTS THE SHAPE OF THE BUILDING PAD ONLY FOR EACH HOMESITE. (Agenda Item #8)

Mr. Symes said this request is to change some of the lot shapes in the Village at Old Farm. He said DR Horton is one of the possible builders for homes in the Subdivision.

CONSIDERATION OF LOT LINE ADJUSTMENTS ADJACENT TO NICHOLL’S NOOK SUBDIVISION AND ADJACENT PROPERTIES AS REQUESTED BY RODNEY GRIFFIN AND OTHERS. (Agenda Item #9)

Rodney Griffin is requesting three minor lot line adjustments in connection with his Nicholl’s Nook Subdivision. The Council and City staff briefly discussed this item and agreed that these adjustments should be approved.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #10)

- **Ratify Construction Bond and Storm Water Bond Agreements previously signed by Mayor Harbertson**
- **Approval of June, July and August’s Disbursement lists.**
- **Approval of EDA request for additional services compensation for site planning services for new City Hall.**
- **Ratify approval of Change Order #1 with Morgan Asphalt on South Main Street Project.**

- **Authorization to waive rental fee for 3 hours use of Community Center basement for fund raising event by Cystic Fibrosis Foundation as requested by Holly Gadd.**

There was a brief discussion of these items. The Council asked that the detailed backup documents be presented with change order requests in the future. Such was missing from Morgan Asphalt regarding the work on South Main Street.

CONSIDERATION OF WATER LINE MAINTENANCE AGREEMENT WITH JERRY PRESTON PERTAINING TO RICE FARMS, PHASE 3 SUBDIVISION. (Agenda Item #11)

This agreement states that the property owners or the HOA will be responsible for the lateral water lines, and the City will be responsible for the main water lines.

CONSIDERATION OF AIA CONTRACTUAL AGREEMENTS WITH HUGHES GENERAL CONTRACTORS INC., FOR CITY HALL PROJECT. (Agenda Item #12)

Mayor Harbertson said these two documents were reviewed by the City Attorney and are ready for approval from the City Council.

RESOLUTION APPROVING EQUIPMENT LEASE AGREEMENT WITH ZION'S BANK TO ACQUIRE 3,925 RESIDENTIAL CURBSIDE RECYCLING CONTAINERS. (Agenda Item #13)

Mayor Harbertson said he was pleased with the interest rate given by Zions Bank.

MISCELLANEOUS (Agenda Item #17)

Mayor Harbertson mentioned a miscellaneous item dealing with **Rick Wyss'** property. The Council previously approved the vacation of the north part of Lot #26, but **Mr. Wyss** realized that all of Lot #26 needs to be vacated.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Paula Alder, Sid Young, Cory Ritz, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes, City Recorder Margy Lomax, and Recording Secretary Cynthia DeCoursey.

Mayor Harbertson called the meeting to order at 7:00 p.m. **Sid Young** offered the invocation. The Pledge of Allegiance was led by **Cambell Hunziker**, a local boy scout.

APPROVAL OF MINUTES OF PREVIOUS MEETING (Agenda Item #2)

Motion

Rick Dutson made a motion to approve the minutes of the meeting held October 6, 2009, with changes as noted in the work session. **David Hale** seconded the motion, and it was approved by Council Members **Alder, Ritz, and Young**.

PRESENTATION OF AWARD TO GEORGE CHIPMAN WHO WAS HONORED BY THE UTAH LEAGUE OF CITIES AND TOWNS. (Agenda Item #3)

Mayor Harbertson and Trail Committee City Council representatives **Sid Young** and **Paula Alder** presented an award to **George Chipman**, Chairman of the Farmington Trails Committee. They praised **Mr. Chipman** for his influence and work in the City of Farmington. The **Mayor** noted that Farmington City was listed as #14 on the best community in America, and he pointed out that a large part of that is because of the trail system located in Farmington.

George Chipman thanked **Mayor Harbertson** and the City Council and said Farmington is a great place to live. He had a desire to improve the trail system in Farmington, and with the help of the City Council, a trails committee was organized. He added that anyone can make a difference.

PLANNING COMMISSION REPORT (Agenda Item #4)

Chairman **John Bilton** reviewed the proceedings of the Planning Commission meeting held October , 2009. He covered the following items:

- BHD architects, representatives for the LDS Church, requested that Lot #237 in the Hunter's Creek Subdivision be split which would allow the church to sell a portion of it along with Lot 238. This will eventually be part of the east/west road extension on 950 North. The lot will be almost an acre and cannot be subdivided or used as a flag lot. The request was approved.
- The Commission approved the final plat of "The Grove" Subdivision.
- A request from the Gardner Company to change the shape of some of the building pads in the Village at Old Farm Subdivision was approved.
- The Commission approved the request from Farmington City to change the zoning from LR to BP on approximately ½ acre of property where the YESCO billboard will be relocated south of its present location.
- The proposed amendment to the City's Subdivision Ordinance regarding security bonds was approved. A developer will now be required to post a bond prior to the installation of required improvements.
- The site plan and conditional use plan for a cell tower from Technology Associates (Verizon) was reviewed, and several concerned residents expressed their opposition to the request.

PUBLIC HEARING: CONSIDERATION OF AMENDMENT TO CITY SUBDIVISION ORDINANCE (TITLE 12, CHAPTER 6) PERTAINING TO THE REQUIRED TIMING FOR POSTING SECURITY BONDS FOR PUBLIC IMPROVEMENTS. (Agenda Item #5)

Background Information

Glenn Symes said this change will require a developer to post a security bond prior to construction. The current requirement allows them to build, record the plat, and then post a warranty bond.

Public Hearing Opened

Mayor Harbertson opened the public hearing at 7:28 p.m. There was no one signed up to speak regarding this item, and the public hearing was closed at 7:28 p.m.

Motion

Sid Young made a motion that the City Council approve the amendment to City Subdivision Ordinance (Title 12, Chapter 6) pertaining to the required timing for posting security bonds for public improvements. **Cory Ritz** seconded the motion, and it was approved by Council members **Alder**, **Dutson**, and **Hale**.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE REZONING A PORTION OF THE FARMINGTON JR. HIGH SITE LOCATED AT APPROXIMATELY 150 SOUTH 200 WEST FROM LR (LARGE RESIDENTIAL) TO BP (BUSINESS PARK) TO ACCOMMODATE THE RELOCATION OF A BILLBOARD ON SCHOOL DISTRICT PROPERTY ADJACENT TO I-15. (Agenda Item #6)

Mayor Harbertson said staff discussed this item with the City Attorney who confirmed that the rezoning cannot be approved until the correct legal description is available.

Public Hearing Opened

Mayor Harbertson opened the public hearing at 7:30 p.m. There was no one to speak regarding this item, and the public hearing was closed at 7:30 p.m.

Motion

Cory Ritz made a motion that Agenda Item #6 be continued until a future date. **David Hale** seconded the motion, and it was approved by Council Members **Alder**, **Dutson**, and **Young**.

CONSIDERATION OF FINAL PLAT APPROVAL FOR “THE GROVE” SUBDIVISION FORMERLY KNOWN AS PALMER ESTATES CONSISTING OF 23 LOTS LOCATED AT APPROXIMATELY 525 NORTH MAIN STREET - DAI. (Agenda Item #7)

Background Information

Glenn Symes said most of the required details have been completed.

Mayor Harbertson said the most important concern for the City is the road located on the west side of this project. It is only 22 feet wide, and Fire Chief **Larry Gregory** requested that this section include “No Parking” signs and red paint on the curbing. The Council had a brief discussion regarding this concern and whether or not to include red paint on the curbing and/or signs for the area.

Motion

Rick Dutson made a motion that the City Council grant final plat approval for “The Grove” Subdivision (formerly known as Palmer Estates) consisting of 23 lots and located at approximately 525 North Main Street with the following six conditions and that DAI (the applicant) include text in the CC&Rs which will ensure the enforcement of “no parking” in front of Houses 4, 5 and 6 and include red paint on the curbing and “No Parking” signs:

1. The applicant shall comply with all requirements of the Planning Department, Engineering and all utilities regarding the Final Plat requirements.
2. The applicant shall continue to work with the City’s Fire Chief to secure approval for the design of the proposed road and access system.
3. The applicant continue to work with the City’s Historic Preservation Commission to establish appropriate regulations in the HOA’s CC&Rs for the maintenance and protection of the Hector C. Haight House located on the property.
4. The applicant shall comply with all requirements of the Planning Department, Engineering and all utilities regarding any outstanding issues related to the PUD Master Plan.
5. All conditions or approval from previous approvals and the Preliminary and Final PUD Master Plan shall be conditions of approval on this application.
6. The total number of lots approved shall be limited to 23, and any further amendments to increase the number shall require a Master Plan Amendment approval.

Findings for Approval

1. The Final Plat is consistent with the approved Master Plan for 23 units.
2. The Final Plat adequately shows all easements for the protection of open space, drive accesses, detention basins and land drains.
3. The Final Plat provides proper access for the Palmer property and all other lots within the development.

Sid Young seconded the motion, and it was approved by Council Members **Alder, Hale, and Ritz.**

CONSIDERATION OF A PROPOSED PLAT AMENDMENT OR MODIFICATION TO THE FINAL PLAT TO THE VILLAGE AT OLD FARM RESIDENTIAL PHASE 2 PLAT CONSISTING OF 69 LOTS LOCATED AT APPROXIMATELY 1600 NORTH MAIN STREET. THE AMENDMENT ADJUSTS THE SHAPE OF THE BUILDING PAD ONLY FOR EACH HOMESITE. (Agenda Item #8)

Background Information

Glenn Symes said this proposal is a request to change the shape of some of the existing lots into square shapes rather than the unique shapes recorded on the previous plat. The oddly shaped lots created several different types of problems.

Motion

David Hale made a motion that the City Council approve the proposed plat amendment adjusting the shape of the building pads on the final plat of the Village at Old Farm Residential Phase 2 Plat consisting of 69 lots located at approximately 1600 North Main Street. **Cory Ritz** seconded the motion, and it was approved by Council Members **Alder**, **Dutson**, and **Young**.

CONSIDERATION OF LOT LINE ADJUSTMENTS ADJACENT TO NICHOLL'S NOOK SUBDIVISION AND ADJACENT PROPERTIES AS REQUESTED BY RODNEY GRIFFIN AND OTHERS. (Agenda Item #9)

Background Information

Mayor Harbertson said this request is for three minor boundary adjustments—two on the west side and one on the south side of the Nicholl's Nook property: (1) a change on the **Sears** property to the west allowing **Mr. Griffin** enough room to provide a hammer head or "T" for turning around rather than an "L" and eliminate the easement on the Mecham property, (2) adjustment of the small parcel owned by **Whites** which would square off the property and provide slightly more depth and allow for 6-foot setbacks on the west side adjacent to the apartments, and (3) south side of the **Parkin** property which would allow rear setbacks and a trade with them to assist with their storm water problems.

Motion

Paula Alder made a motion that the City Council approve the three lot line adjustments in the Nicholl's Nook PUD. **Rick Dutson** seconded the motion, and it was approved by Council Members **Hale**, **Ritz**, and **Young**.

Motion

Sid Young made a motion to move Miscellaneous Item #17 prior to Agenda Item #10. The motion was seconded by **Rick Dutson** and approved by Council Members **Alder**, **Hale**, and **Ritz**.

RECONSIDERATION OF ORDINANCE VACATING A PORTION OF LOT 26 OF OAKRIDGE FARMS SUBDIVISION - MODIFICATION OF A PREVIOUS MOTION (Agenda Item #17)

Glenn Symes said this previous motion needs to be amended to include the southern portion (all of Lot 26). The northern portion of the lot was vacated in the summer of 2009.

Motion

Rick Dutson made a motion that the City Council approve the request to vacate all of Lot 26 as originally petitioned rather than only a portion of said Lot. **Sid Young** seconded the motion, and it was approved by Council Members **Alder, Hale, and Ritz**.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #10)

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Motion

David Hale made a motion to approve the items on the Summary Action List. **Cory Ritz** seconded the motion, and it was approved by Council Members **Alder, Dutson, and Young**.

CONSIDERATION OF WATER LINE MAINTENANCE AGREEMENT WITH JERRY PRESTON PERTAINING TO RICE FARMS, PHASE 3 SUBDIVISION. (Agenda Item #11)

Mayor Harbertson said this agreement specifies that the Rice Farms HOA will be responsible for the maintenance of the lateral water lines. After a brief discussion, the Council concluded that the City generally maintains the main water lines, and each HOA should maintain the laterals.

Motion

David Hale made a motion to approve the Rice Farms Phase III Culinary Water Service and Maintenance Agreement with Jerry Preston. **Cory Ritz** seconded the motion, and it was approved by Council Members **Alder, Dutson, and Young**.

CONSIDERATION OF AIA CONTRACTUAL AGREEMENTS WITH HUGHES GENERAL CONTRACTORS INC., FOR CITY HALL PROJECT. (Agenda Item #12)**Motion**

Rick Dutson made a motion that the City Council approve these Agreements with Hughes General Contractors Inc. for the City Hall project: AIA Document A121, AGC Document 565, and AIA Document A121-Amendment No. 1. **Paula Alder** seconded the motion, and it was approved by Council Members **Hale, Ritz, and Young**.

RESOLUTION APPROVING EQUIPMENT LEASE AGREEMENT WITH ZION'S BANK TO ACQUIRE 3,925 RESIDENTIAL CURBSIDE RECYCLING CONTAINERS. (Agenda Item #13)

Mayor Harbertson said Zions Bank offered the City an interest rate of 3.69 percent on the recycling containers. **David Hale** said one of the reasons Farmington City is able to obtain favorable interest rates is because of their great financial track record—it is a credit to the City.

Motion

Paula Alder made a motion that the City Council approve the Lease Purchase Agreement with Zions First National Bank to acquire 3,925 residential curbside recycling containers. **Rick Dutson** seconded the motion, and it was approved by Council members **Hale, Ritz, and Young**.

REVIEW OF DRAFT PROPOSAL TO DAVIS SCHOOL DISTRICT TO SHARE IN COST OF CONCRETE "POST-TENSION" OUTSIDE BASKETBALL COURT NEAR FARMINGTON ELEMENTARY SCHOOL. (Agenda Item #14)

Max Forbush said because of the construction of the new City Hall some of the basketball courts adjacent to Farmington Elementary had to be eliminated. The City and Davis School District conceptually agreed to investigate the installation of a new post-tension basketball west of the swimming pool and east of the baseball diamond. He explained the term "post-tension" which installs cables in a criss-cross pattern and then pneumatically tightens the cable which holds the concrete in place. He said the proposed site near the swimming pool is 65 feet by 100 feet, and the City is concerned about how it would fit in with the existing facilities. They do not want the area to be too congested. He said possibilities include redesigning the school's playground area, removing some of the asphalt, and installing a larger court—possibly 90 feet by 100 feet. The **Mayor** referred to a map of the area and suggested a closer review of the available space.

Motion

David Hale made a motion that the City Council authorize the City Manager to discuss this issue with **Gary Payne** of the Davis School District and conduct further research of available options. **Paula**

Alder seconded the motion, and it was approved by Council Members **Rick Dutson, Cory Ritz** and **Sid Young**.

CITY MANAGER'S PROGRESS REPORT (Agenda Item #15)

- **Station Parkway:** Conoco has begun some of the engineering work on Station Parkway. They are reviewing the agreement, and the City will record it as soon as possible.
- **Curbside Recycling:** The City has received 28 letters from residents saying they missed the opt-out deadline for various reasons and asking that they be allowed to opt out of the program. Responses have been sent to each resident, and ten of the residents were approved to opt out, but the other 18 have not been happy with the reject letter and have sent additional letters. The City has asked them to be patient, and at the end of the year the Council will review the requests again and may consider allowing each of them to opt out. He said the first delivery of 300 cans will arrive this week. City employees will assemble them, attach an information packet and deliver them.
- **Farmington Ranches Park:** He gave an update regarding the Farmington Ranches Park and said the work is progressing. There were several drainage issues which caused some delay, and the sprinklers are not finished; however, the tennis courts and restrooms should be completed in the spring.
- **Rails to Trails: Mr. Forbush** said he is a member of the Transportation Advisory Board for the Wasatch Front Regional Council, and several months ago they approved the funding of Rails to Trails through the balance of Davis County over the next few years. Shortly after that meeting, he met with a representative from the Council and Joe Olsen, a representative from UTA. They would like to install asphalt from the Kaysville boundary through to Clark Lane and then beyond to the Davis County Fairpark where it would connect to the trail. It will take place in either 2010 or 2011, and it will be funded by a grant administered through the Council.
- **City Hall Construction:** Construction on the new City Hall is slightly behind schedule, but most of the footings and foundations are finished.
- **South Main Reconstruction:** Central Davis Sewer will be installing a sewer line, and Questar will also install a new line, and this is the right time to for them to be done. The road work should be completed by mid November.

MAYOR HARBERTSON'S AND CITY COUNCIL REPORTS (Agenda Item #16)

Mayor Harbertson reported on the following issues:

1. He gave an update of the South Davis Transit study review and said some changes have been made to the proposed electric street car which will run from Salt Lake to Davis County. The line was previously planned to run to Parrish Lane, but the most recent decision was to stop at Center Street in Centerville. They are also planning some kind of enhanced bus system from the Centerville stop to the commuter rail site in Farmington. The electricity for the street cars will come from the sides of the street, and they will run down the standard pathway of a car. There will be numerous stops along the way—the street cars will pull off to pick up people which will allow regular cars to pass. The top speed is 25 m.p.h., and the proposed line will start 400 West in Salt Lake City and move onto Beck Street and into North Salt Lake. The timing on this project is 2030, so it is still years away.
 2. The Deseret Morning News contacted the **Mayor** and said their online media group would like to do a pilot program in Farmington along with approximately 15-20 other cities in Utah. Their website will list various information about Farmington, including a calendar of scheduled events, amenities in the area, shopping opportunities, etc. He asked the Council to suggest items they would like to post on the website. He said they have a meeting set up with Lagoon and may have a separate page for them.
 3. The annual Christmas luncheon for Farmington City employees will be held on Friday, December 18 at 1:00 p.m. Mayor Harbertson was going to confirm this appointment time at the next City Council meeting.
- **Sid Young** commented on the South Davis Transportation issue and said he thinks a better choice might be to route the street cars on 200 West in Centerville so it could line up with a frontage road route. He agreed that it is a very complex issue which will require additional time and study. He said a resident called to ask about the amount of income the City would receive from the Verizon cell tower. **Mr. Forbush** stated that it would be approximately \$8400 per year. **Mr. Young** attended the Trails Committee meeting which included discussion on the Rails to Trails, and he clarified that the target date is 2011. He also confirmed that a developer was placing inappropriate fill in the Bamberger Railroad area. He commended the ongoing work of the Trails Committee.
 - **Rick Dutson** said residents of the City are extremely pleased with the completion of the Somerset retention basin.
 - **David Hale** said he attended the statewide Mosquito Abatement seminar last week. He also said the Davis County mosquito abatement district was very active during the past year. The aerial spraying was done mostly in the marshes and lakes outside the City limits. They have installed GPS systems in the airplanes. The systems have been very effective, and they were able to get a 50-70% kill. He also said the fogger trucks have an 80% kill. They recently purchased a lease on an airport hangar which they will share with the Salt Lake Mosquito Abatement District. He

said he reminded Benchland Water District that it was through his contact with **Mr. Forbush** that they were able to access the forest service land for free.

- **Paula Alder** said she and members of the Youth Council assisted with the Dinner Theatre on Thursday night. She would like to know how the finances compared to dinner theatres in the past years. She complimented **Sarah Hale** and said it was well organized.

Motion

David Hale made a motion to adjourn to a closed session to discuss strategy as it relates to acquisition of real property and pending litigation. **Rick Dutson** seconded the motion, and it was approved by Council Members **Alder, Ritz, and Young**.

SWORN STATEMENT

I, Scott C. Harbertson, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

Scott C. Harbertson, Mayor

At 8:55 a motion to go back into open session was made by **Rick Dutson** and seconded by **David Hale**. The motion passed with all Council Members voting in favor.

There being no further business to discuss and upon motion by **Cory Ritz** with a second by **David Hale** the meeting was adjourned at 8:55 p.m.

Margy Lomax, City Recorder
Farmington City